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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR SB11, AS ENGROSSED  
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8 SYNOPSIS: Under existing law, a civil action for an  
9 injury to a person that does not arise from a  
10 contract, which includes a sex offense, must be  
11 brought within two years.

12 This bill would provide that if a person is  
13 injured from a sex offense and the person is below  
14 the age of 19 years or insane, the person has six  
15 years after the termination of his or her  
16 disability to commence the action for the injury.

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18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
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22 Relating to commencement of actions; to amend  
23 Section 6-2-8, Code of Alabama 1975, to provide for the  
24 statute of limitations for civil actions involving a sex  
25 offense.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 6-2-8, Code of Alabama 1975, is  
2 amended to read as follows:

3           "§6-2-8.

4           "(a) If anyone entitled to commence any of the  
5 actions enumerated in this chapter, to make an entry on land  
6 or enter a defense founded on the title to real property is,  
7 at the time the right accrues, below the age of 19 years, or  
8 insane, he or she shall have three years, or the period  
9 allowed by law for the commencement of an action if it be less  
10 than three years, after the termination of the disability to  
11 commence an action, make entry, or defend. No disability shall  
12 extend the period of limitations so as to allow an action to  
13 be commenced, entry made, or defense made after the lapse of  
14 20 years from the time the claim or right accrued. Nothing in  
15 this section shall be interpreted as denying any imprisoned  
16 person the right to commence an action enumerated in this  
17 chapter and to make any proper appearances on his or her  
18 behalf in such actions.

19           "(b) If anyone entitled to commence any of the  
20 actions enumerated in this chapter is, at the time the right  
21 accrues, below the age of 19 years, or insane, and the injury  
22 upon which the action is based arises from a sex offense as  
23 described in Section 15-20A-5, he or she shall have six years  
24 after the termination of the disability to commence the  
25 action.

1                   "~~(b)~~ (c) When both disabilities coexist at the time  
2 the claim accrued, the limitation does not attach until both  
3 are removed.

4                   "~~(c)~~ (d) A disability which did not exist when a  
5 claim accrued does not suspend the operation of the limitation  
6 unless the contrary is expressly provided."

7                   Section 2. This act shall become effective on the  
8 first day of the third month following its passage and  
9 approval by the Governor, or its otherwise becoming law.